

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

GREGORY GENE BRISCOE, et al.	§	
	§	
v.	§	CIVIL ACTION NO. 4:23-CV-00260-
	§	ALM-AGD
JAGUAR LAND ROVER NORTH	§	
AMERICA, LLC	§	

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 3, 2024, the Report of the Magistrate Judge, (Dkt. #55), was entered containing proposed findings of fact and recommendation that Defendant’s Motion for Summary Judgment (Dkt. #29) be granted in part and denied in part; that Defendant’s Motion for Judgment on the Pleadings (Dkt. #21) be denied as moot; and that any request for relief not addressed by the Report be denied as moot.

The Court has conducted a de novo review of Defendant’s timely objections (Dkt. #58) and Plaintiffs’ timely objections (Dkt. #59) and the portions of the Report to which Defendant and Plaintiffs specifically object, as well as Defendant’s Response to Plaintiffs’ timely Objections (Dkt. #62). Because the Court granted Plaintiffs’ counsels’ Motion to Withdraw (Dkt. #65), the Court also considered Plaintiffs’ further objections and responses (Dkt. #67; Dkt. #68; Dkt. #69; Dkt. #70; Dkt. #71; Dkt. #72; Dkt. #74), as well as Defendant’s response thereto (Dkt. #75). Having done so, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit as to the ultimate recommendation of the Magistrate Judge.

The Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant's Motion for Summary Judgment (Dkt. #29) is **GRANTED** in part and **DENIED** in part; that Defendant's Motion for Judgment on the Pleadings (Dkt. #21) is **DENIED AS MOOT**; and that any request for relief not addressed by the Report is **DENIED AS MOOT**.

It is further **ORDERED** that Plaintiff Lori Smith's *pro se* objections (Dkt. #57) and affidavit (Dkt. #60) are **STRICKEN**. At the time Plaintiff Smith filed the objections, she was represented by counsel. Plaintiff Smith may not be both represented by counsel and proceed *pro se*. See *Wolf v. City of Port Arthur*, No. 1:20-CV-00465-MAC-ZJH, 2023 WL 5321075, at \*1-\*2 (E.D. Tex. Aug. 17, 2023) (finding that "court[s] may not entertain hybrid representation from a represented party").

**IT IS SO ORDERED.**

**SIGNED this 23rd day of September, 2024.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE